

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 22, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber of the Municipal Building, on Thursday, June 22, 1939, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

Austin, Texas  
June 15, 1939

The Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 13, 1939:

## RESOLUTION.

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of the City Council of the City of Austin requesting a change in the Use designation of the following property:

The triangular tract of land belonging to the City of Austin located on the southeast corner of the intersection of West 24th Street and Shoal Creek Boulevard

from "A" Residence District, First Height and Area, to "B" Residence District, First Height and Area; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on June 13, 1939, at which hearing a number of protests against this change were registered from property owners adjacent and near the property in question; and

WHEREAS, the Board carefully considered all of the arguments for and against this change, viewed the property and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; therefore

## BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council for the following principal reasons:

1. That the hearing disclosed the fact that this application was chiefly for the purpose of promoting a sale of this property for Class "B" Residence purposes, and did not arise out of a demand of the surrounding property owners on grounds of any general necessity or need due to a change in the general character of the neighborhood.
2. That this property is part of the Shoal Creek Park and Boulevard development and was purchased with funds made available by the issuance of bonds for park and playground purposes voted by the citizens of Austin, and should be preserved as park land for the future benefit of the City of Austin.
3. That the presumption is that those who have bought property and built homes thereon along the Shoal Creek Park development did so with the understanding and belief and possible representation that the property acquired by the City of Austin within said development would be perpetuated as park land and therefore any change in the character of this property would adversely affect their enjoyment of their property.
4. That the Board deems it an unwise policy for the City to dispose of any park property which has been acquired in the Shoal Creek Valley; and that the same should be retained and perpetuated as such for the benefit of future generations of a fast growing city in which the future acquisition of property for park purposes will become more and more difficult and expensive; and that this particular development along Shoal Creek shall be jealously guarded as affording an esthetic asset to the City of Austin comparable to few others in the United States, such as Rock Creek in the National Capitol, the Boulevards of Kansas City, and the Fenway in Boston.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman. "

Pursuant to published notice thereof, the Mayor then declared the public hearing, on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, open:

To amend the Use designation and the Height and Area designation of the following described property so as to change same from "A" Residence District to "C" Commercial District, and from First Height and Area District to Second Height and Area District: the triangular tract of land bounded on the west by East Avenue, on the south by an extension of East 41st Street, and on the northeast by the right-of-way of the Southern Pacific Railroad.

To amend the USE designation of the following described property so as to change same from "A" Residence District to "B" Residence District: the triangular tract of land belonging to the City of Austin located on the southeast corner of the intersection of West 24th Street and Shoal Creek Boulevard.

There being no protests submitted against the proposed change in zoning of the property bounded on the west by East Avenue, on the south by an extension of East 41st Street, and on the northeast by the right-of-way of the Southern Pacific Railroad, Councilman Alford moved that the City Attorney be instructed to prepare the necessary ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following property owners appeared to protest the proposed change in zoning of the triangular tract at the southeast corner of West 24th Street and Shoal Creek Boulevard, on the grounds that this property should either be reserved for park purposes, or left as "A" Residence District and sold for home sites, and that the proposed use of this property would deteriorate the value of their homes: Dr. H. T. Manuel; Mrs. Lee Graves; Rosa Lee Schutz; W. T. Caswell; Prof. Harry Moore; Dr. J. J. Jones; individually and for W. E. Metzenthin; Dr. H. A. Scott; Dr. D. K. Brace; Mrs. Zelia Kramer; and Mrs. Virginia C. Carter.

After hearing all protests, Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance changing the zoning of the triangular tract at the southeast corner of West 24th Street and Shoal Creek Boulevard from "A" Residence District to "B" Residence District. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A committee of Mexican citizens, who stated that they were appearing as individuals and not as representatives of the Austin Lulac Council #85, as previously, came before the Council to find out what action had been taken on their request for separate wards at Brackenridge Hospital for Mexicans and Negroes. The matter was taken under further advisement.

The petition of Mrs. Pearl R. Key, by her attorneys, Jack Sparks and Hart & Brown, for a change in the zoning of her property located at 704-706 West Sixth Street from "C" Commercial District to "C-2" Commercial District, was received, and the matter was referred to the Board of Adjustment for recommendation.

Councilman Wolf moved that Mrs. Floree Haire, 209 East 13th Street, be granted a taxicab license, as recommended by the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that Barry Lee Riggs, 304 Colorado Street, be granted a taxicab license, as recommended by the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that Carl R. Bounds, 74 East Avenue, be granted a taxicab license, as recommended by the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that Frank Duran, 2001 East Fourth Street, be granted a taxicab driver's permit, as recommended by the City Manager. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL SEPTEMBER 10, 1936, AND RECORDED IN BOOK "K", PAGE 114, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, REGULATING PHONOGRAPHS, RADIOS AND LOUD SPEAKING OR OTHER NOISE-MAKING DEVICES, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 6-A, REGULATING THE HOURS OF OPERATION OF GRAVEL PITS, ROCK CRUSHERS OR OTHER MACHINERY FOR THE SEPARATION, GATHERING, GRADING, LOADING OR UNLOADING OF SAND, ROCK OR GRAVEL; PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT; AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY."

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule

be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Number Texas 1847-2-F, being the project for the construction of Waterworks Improvements, have reported that the contract for the High Service Pump at Second and San Antonio Streets has been completed by J. M. Odom, General Contractor, in accordance with the approved plans and specifications, and in compliance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the PWA Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said contract and the works thereunder and is of the opinion that the same should be finally accepted; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder be and is hereby accepted as completed and the City Manager be and is hereby authorized and directed to approve the final estimate and to issue warrants in payment thereof, and that he be further authorized and directed to release the contractor from any further liability in connection with the said work, and to authorize cancellation of the bonds guaranteeing the successful completion of the contract.

"Austin, Texas  
June 21, 1939  
Docket Tex-1847-2-F-1  
High Service Pump

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

A final inspection by our Inspector, Mr. D. C. Kinney, and Mr. J. V. Curnutte, PWA Inspector, has been made at the High Service Pump. The contract for this work is held by J. M. Odom, General Contractor.

This and previous inspections showed that all of the work covered by the contract has been completed in accordance with the plans and specifications, and in a manner acceptable to the PWA Resident Engineer Inspector. I recommend that the work be accepted in full at this time and that the final estimate be paid the contractor.

There was one non-compliance on this job with reference to apprentices, which has been cleared by Mr. E. A. Huebner, Resident Engineer Inspector.

Respectfully submitted

(Signed) G. S. Moore  
Supervising Engineer. "

Councilman Alford introduced the following resolution:

WHEREAS, Section "C", of Evergreen Cemetery, a subdivision of a portion of Outlot 25, Division "B", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Section "C", of Evergreen Cemetery of record in Book 4, pages 34-5, of the Plat Records of Travis County, Texas, which plat of said Section "C" was adopted by an ordinance passed by the City Council of the City of Austin at a regular session on June 9, 1938, recorded in Ordinance Book "K", at page 410, of the Ordinance Records of said City; and

WHEREAS, the price at which said lots shall be sold, and the minimum number that shall be sold of same at one time and the designation of the spaces has not heretofore been fixed by resolution or order of the City Council, and it is deemed wise by the City Council to now fix the prices at which said lots shall be sold and make other regulations concerning same; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the prices for various lots and portions of said Section "C", of Evergreen Cemetery shall be as follows:

Lots 1 to 54, both inclusive, Block 5, as designated on the aforesaid plat shall be sold at \$35.00 each, and no less than one lot shall be sold at one sale to any purchaser or purchasers. Said Lots shall only be sold in entirety, and no fractional part of a lot shall be sold.

Lots 55 to 162, both inclusive, said Block 5, shall be sold at \$30.00 each and no less than one lot shall be sold at one sale to any purchaser or purchasers. Said Lots shall only be sold in entirety, and no fractional part of a lot shall be sold.

Lots 163 to 216, both inclusive, said Block 5, and Lots 1 to 54, both inclusive, of Block 4, said Section "C", as designated on the aforesaid plat, shall be divided into four equal spaces each; each space being designated by numbers as follows:

The northeast 1/4 to be designated as Space No. 1;

The southeast 1/4 to be designated as Space No. 2;

The northwest 1/4 to be designated as Space No. 3;

The southwest 1/4 to be designated as Space No. 4;

and no less than two spaces out of each lot shall be sold at one sale to any purchaser or purchasers, and the combined two spaces shall be sold at \$15.00.

Lots 55 to 163, both inclusive, of Block 4, said Section "C", of Evergreen Cemetery shall be subdivided into spaces as follows:

The northeast 1/4 to be designated as Space No. 1;

The southeast 1/4 to be designated as Space No. 2;

The northwest 1/4 to be designated as Space No. 3;

The southwest 1/4 to be designated as Space No. 4;

each of which spaces shall be sold for \$6.00 and one or more spaces may be sold at a time.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, in Book 3, at page 153, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Austin Heights; and

WHEREAS, upon said map or plat there appear various streets and alleys, one street being shown as Prospect Avenue; and

WHEREAS, in another section of town more extensively developed into residential property than the area embraced by Austin Heights there is another street known and designated as Prospect Avenue; and

WHEREAS, much confusion is caused among delivery services and among public records in general by having streets recognized by the same name, yet being widely separated and in different parts of the City; and

WHEREAS, the Prospect Avenue as shown upon the map or plat of Austin Heights previously referred to is directly in line with the northerly prolongation of Walnut Avenue; and

WHEREAS, the owners of the property abutting said Prospect Avenue in Austin Heights have been advised of the necessity of changing the name of this Prospect Avenue, and said property owners have consented to this change provided the name of Walnut Avenue be plainly displayed at the intersection of Manor Road by the erection of a street sign, and said matter has been reviewed and approved by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain street shown as Prospect Avenue upon the map or plat of Austin Heights be known and designated hereafter as WALNUT AVENUE.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground conduits in the following streets:

(1) An underground telephone conduit in ENFIELD ROAD from Forest Trail to Hartford Road, the centerline of which conduit shall be 12 feet south of and parallel to the north line of said Enfield Road.

THAT the work and construction of said underground conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in BRIDLE PATH across Exposition Boulevard intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Bridle Path.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in RAMSEY AVENUE northerly 260 feet from a point 267 feet north of the north line of West 47th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Ramsey Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in RED RIVER STREET from East 49th Street northerly 472 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Red River Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in WEST 40TH STREET 50 feet east of the east line of Guadalupe Street easterly 327 feet, the centerline of which gas main shall be 10 feet north of and parallel to the south line of said West 40th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in West LIVE OAK STREET 80 feet west of South Ist Street westerly 84 feet, the centerline of which gas main shall be 13½ feet north of and parallel to the south line of said West Live Oak Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in PROWSE LANE from Santa Rita Street northerly 107 feet, the centerline of which gas main shall be 3 feet west of and parallel to the east line of said Prowse Lane.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in OAKHURST AVENUE from West 29th Street southerly 138 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Oakhurst Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in GILBERT STREET from Hopi Trail easterly 591 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Gilbert Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in HOPI TRAIL from Gilbert Street southerly 124 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Hopi Trail.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in HILLVIEW ROAD from Gilbert Street to Windsor Road, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Hillview Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in WINDSOR ROAD from Hillview Road (S) to Hillview Road (N), the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Windsor Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in HILLVIEW ROAD from Windsor Road to Bowman Avenue, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Hillview Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(13) A gas main in BOWMAN AVENUE from 130 feet east of Hillview Road westerly 900 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Bowman Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground

utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas main, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, H. E. Wattinger is the contractor for the erection of a building located at 2252 Guadalupe Street and desires a portion of the sidewalk space abutting Lot 35, Outlot 35, Division "D", of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said H.E.Wattinger, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles with the centerline of Guadalupe Street to a point 6 feet west of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street 43 feet to a point; thence in a westerly direction and at right angles with the centerline of Guadalupe Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said H. E. Wattinger, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the north, east and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor shall in no way obstruct any fire plugs or other public

utilities in the construction of such barricades.

(6) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) That the contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk has ceased, such time to be determined by the City Manager, and in any event all such barricades, materials, equipment, and other obstructions shall be removed not later than July 15, 1939.

(9) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(10) That the use and enjoyment of the space herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part, or all, of said space any time with its public utilities, or for other necessary public purposes.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all pavement and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, R. A. Lindig, owner of the south portion of Lot 1 of Outlot 11, Division "Z" of Sayers Subdivision within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of West Fifth Street and Crockett Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of Crockett Street at the above described location, thereby relieving traffic conditions by creating a greater width of travelway on Crockett Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted R. A. Lindig, owner of the south portion of Lot 1 of Outlot 11, Division "Z" of Sayers Subdivision within the City of Austin,

Travis County, Texas, which property is situated at the southwest corner of the intersection of West 5th Street and Crockett Street, to set the curb back from the established curb line on Crockett Street adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached, marked 2-C-813, and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on Crockett Street shall be carried out in accordance with the accompanying plan, marked 2-C-813, and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached, marked 2-C-813.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, E. P. James, owner of the north portion of Block 1 of Lees Subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Guadalupe Street at a location north of West 38th Street, and being locally known as 3809 Guadalupe Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the east sidewalk area of Guadalupe Street at the above described location, as shown upon the plan hereto attached, marked 2-C-812, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT E. P. James, owner of the north portion of Block 1 of Lees Subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Guadalupe Street at a location north of West 38th Street, and being locally known as 3809 Guadalupe Street, is hereby permitted to construct a commercial driveway across the east sidewalk area of Guadalupe Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-812, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford,

Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller announced to the City Council that, by virtue of the authority vested in him as Mayor under Section 5 of the "Housing Authorities Law" of the State of Texas, he had appointed J. H. Pittsford as Commissioner of the Housing Authority of the City of Austin to fill out the unexpired term of W. R. Nabours, whose resignation as Commissioner of the Housing Authority of the City of Austin had been received .

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved:

*Tom Miller*  
Mayor

Attest:

*Hallie M. Keller*  
City Clerk

**REGULAR MEETING OF THE CITY COUNCIL:**

Austin, Texas, June 29, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, July 29, 1939, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Chas. F. Alford, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilmen C. M. Bartholomew and Simon Gillis.

The reading of the Minutes was dispensed with.

The Mayor declared the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars, in accordance with published notice thereof:

To amend the USE designation of the following described property so as to change same from "A" Residence District and "C" Commercial District to "D" Industrial District:

The property located at the southeast corner of West 34th Street and Scenic Drive, and more particularly described as follows: Lots 1, 2, 3, 4, and 5, in Block No. 1; Lots 1, 2, 3, and 4, in Block No. 2; Lot 1 in Block No. 5; and that certain strip of land lying north of Lot No. 1 in Block No. 1 and Lot No. 1 in Block No. 2, said strip lying south of West 34th Street, all of said land being in the Wilson Subdivision of part of Daniel J. Gilbert One-Third League in the City of Austin, Travis County, Texas, according to the map or plat thereof of record in Volume 3, on page 2, of the Plat Records of Travis County, Texas.

Jack Sparks, Attorney for petitioners, was present and asked permission to withdraw his client's petition asking for the change, and resubmit same to the Board of